

SENATE BILL 785

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CF 11r1314

By: **Senators Montgomery, Raskin, Benson, Kelley, Madaleno, Manno, and Rosapepe**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Pesticides – Use, Release, Sale, and Purchase Reporting**

3 FOR the purpose of requiring the Department of Agriculture to adopt certain
4 regulations regarding the reporting on the use, release, sale, and purchase of
5 certain pesticides; declaring certain findings of the General Assembly; requiring
6 certain persons that use, release, sell, or purchase certain pesticides to submit
7 certain reports to the Department; requiring the reports to contain certain
8 information; requiring certain restricted use pesticides reports to be submitted
9 at least monthly in a manner required by the Department; requiring certain
10 pesticides reports to be submitted annually beginning on a certain date;
11 requiring the Department to establish the format of the reports; requiring the
12 Department to adopt standard naming conventions for certain chemicals and
13 products; requiring a person that withholds certain information from a certain
14 report to notify the Department and provide a certain explanation; establishing
15 that this Act does not relieve a person from certain reporting requirements
16 under federal, State, or local laws; authorizing the Department to inspect
17 certain records; requiring certain records to be made available to the
18 Department for inspection at a certain time; requiring the Department to
19 provide notice of a certain inspection of records to a certain person; requiring
20 the Department to serve as the repository for certain records; authorizing the
21 Department to delegate certain data management functions; authorizing the
22 Department to share data management resources with other State
23 departments; requiring the Department to establish an online electronic
24 reporting system; requiring the online electronic reporting system to allow
25 certain information to be reported; authorizing the Department to adopt certain
26 regulations regarding electronic reporting; authorizing the Department to adopt
27 regulations regarding the public availability of certain information; requiring
28 the Department to adopt regulations to ensure that certain data will not result
29 in the association of the data with a certain person; requiring the Department to
30 adopt regulations to protect the identity of certain persons; limiting access to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain reports to certain persons; prohibiting access to certain reports unless
 2 certain requirements are met; requiring the availability of certain
 3 administrative and judicial review under certain circumstances; creating a
 4 Pesticide Use and Release Fund; providing for the administration of the Fund;
 5 requiring the Fund to be used for certain purposes; requiring the Fund to have
 6 an annual revenue target; requiring the Department to set the revenue target
 7 and adjust the target based on certain conditions; requiring certain penalties
 8 and fees to be deposited into the Fund; requiring the Department to place a
 9 certain surcharge on certain fees; requiring the surcharge fees to be deposited
 10 into the Fund; requiring the surcharge fees to be used for a certain purpose;
 11 prohibiting the violation of this Act; establishing the penalties for certain
 12 violations; providing for the enforcement of this Act; requiring the Department
 13 to establish a tracking system for certain pesticide purchases; defining certain
 14 terms; and generally relating to pesticide release reporting.

15 BY repealing and reenacting, without amendments,
 16 Article – Agriculture
 17 Section 5–201(a), (g), (l), and (r)
 18 Annotated Code of Maryland
 19 (2007 Replacement Volume and 2010 Supplement)

20 BY adding to
 21 Article – Agriculture
 22 Section 5–2A–01 through 5–2A–20 to be under the new subtitle “Subtitle 2A.
 23 Use, Release, Sale, and Purchase of Pesticides”
 24 Annotated Code of Maryland
 25 (2007 Replacement Volume and 2010 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 27 MARYLAND, That the Laws of Maryland read as follows:

28 **Article – Agriculture**

29 5–201.

30 (a) In this subtitle the following words have the meanings indicated.

31 (g) “Labeling” means all written, printed, or graphic matter:

32 (1) Accompanying the pesticide or device at any time; or

33 (2) To which reference is made on the label or in literature
 34 accompanying the pesticide or device, except to current official publications of the:

35 (i) Environmental Protection Agency;

36 (ii) United States Departments of Agriculture, Interior, and
 37 Health and Human Services;

- 1 (iii) State experiment stations;
- 2 (iv) State agricultural colleges; or
- 3 (v) Other similar federal or State institutions or agencies
4 authorized by law to conduct research in the field of pesticides.

5 (l) "Pesticide" means any substance or mixture of substances intended for:

6 (1) Preventing, destroying, repelling, or mitigating any pest;

7 (2) Use as a plant regulator, defoliant, or desiccant; or

8 (3) Use as a spray adjuvant such as a wetting agent or adhesive.

9 (r) "Restricted use pesticide" means a pesticide so classified by the provisions
10 in this title or by the federal government or the Secretary of Agriculture, State of
11 Maryland.

12 **SUBTITLE 2A. USE, RELEASE, SALE, AND PURCHASE OF PESTICIDES.**

13 **PART I. DEFINITIONS; GENERAL PROVISIONS.**

14 **5-2A-01.**

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (B) "FUND" MEANS THE PESTICIDE USE AND RELEASE FUND
18 ESTABLISHED UNDER § 5-2A-13 OF THIS SUBTITLE.

19 (C) "LABELING", "PESTICIDE", AND "RESTRICTED USE PESTICIDE"
20 HAVE THE MEANINGS STATED IN § 5-201 OF THIS TITLE.

21 (D) "RELEASE" MEANS ANY PESTICIDE APPLICATION OR SPILL THAT
22 DOES NOT COMPLY WITH PESTICIDE LABELING INSTRUCTIONS.

23 (E) "USE" MEANS ANY PESTICIDE APPLICATION THAT COMPLIES WITH
24 PESTICIDE LABELING INSTRUCTIONS.

25 **5-2A-02.**

26 **THE GENERAL ASSEMBLY FINDS THAT:**

1 **(1) THE USE AND RELEASE OF PESTICIDES INTO THE**
2 **ENVIRONMENT CAN HAVE A NEGATIVE EFFECT ON PUBLIC HEALTH AND THE**
3 **ENVIRONMENT;**

4 **(2) NEGATIVE EFFECTS TO THE STATE'S AIR, WATER, AND LAND**
5 **RESOURCES CAN OCCUR EVEN IF PESTICIDES ARE USED IN FULL ACCORDANCE**
6 **WITH APPROVED APPLICATIONS AND LABELING INSTRUCTIONS WHEN WEATHER**
7 **AND OTHER SITUATIONS RESULT IN PESTICIDES ENTERING THE ATMOSPHERE,**
8 **SOILS, GROUNDWATER, STREAMS, RIVERS, LAKES, OR ESTUARIES;**

9 **(3) SIGNIFICANT EFFORTS ARE UNDERTAKEN AT GREAT EXPENSE**
10 **TO IDENTIFY AND TRACK PESTICIDES IN THE ENVIRONMENT;**

11 **(4) WITHOUT INFORMATION ON THE PATTERNS OF THE SALE,**
12 **USE, AND RELEASE OF PESTICIDES, IT IS COSTLY AND CHALLENGING TO DESIGN**
13 **APPROPRIATE MONITORING, TRACKING, EVALUATION, AND PROTECTION**
14 **PROGRAMS;**

15 **(5) IT IS JUSTIFIED AND APPROPRIATE TO REQUIRE THAT**
16 **CERTAIN INFORMATION ON THE SALE, USE, AND RELEASE OF PESTICIDES THAT**
17 **ARE POTENTIALLY HARMFUL ENVIRONMENTAL CONTAMINANTS AND**
18 **POTENTIAL ELEMENTS OF TERRORIST ACTIVITIES BE ASSEMBLED FOR THE**
19 **PURPOSES OF ASSURING THE PROTECTION OF HUMAN AND ENVIRONMENTAL**
20 **HEALTH;**

21 **(6) IT IS RECOGNIZED THAT RESTRICTED USE PESTICIDES MAY**
22 **POTENTIALLY BE USED BY TERRORISTS AND THAT THE TRACKING OF**
23 **INFORMATION REGARDING THE PURCHASE AND SALE OF RESTRICTED USE**
24 **PESTICIDES MAY BE USEFUL IN IDENTIFYING POTENTIALLY UNLAWFUL AND**
25 **THREATENING USES OF THESE PESTICIDES;**

26 **(7) ACCESS TO REPORTED DATA AND THE IDENTITY OF A PERSON**
27 **SUBMITTING A REPORT REQUIRED UNDER THIS SUBTITLE IS INTENDED FOR**
28 **GOVERNMENT AGENCIES AND RESEARCH ORGANIZATIONS THAT HAVE A**
29 **SECURITY, REGULATORY, OR ACADEMIC INTEREST IN THE SALE, USE, AND**
30 **RELEASE OF PESTICIDES THAT COULD SIGNIFICANTLY IMPAIR OR DAMAGE**
31 **HUMAN HEALTH OR THE ENVIRONMENT; AND**

32 **(8) EFFICIENCIES IN REPORTING OF DATA CAN BE ACHIEVED**
33 **THROUGH THE USE OF CONSOLIDATED ELECTRONIC SYSTEMS, AND TO THE**
34 **EXTENT POSSIBLE, REPORTING OBLIGATIONS UNDER THIS SUBTITLE AND**
35 **OTHER SUBTITLES RELATING TO REQUIREMENTS FOR PESTICIDE**
36 **APPLICATIONS UNDER THIS TITLE SHOULD BE COORDINATED WITH SIMILAR**

1 ELECTRONIC SYSTEMS OF APPROPRIATE AGENCIES AND THE REGULATED
2 ENTITIES.

3 5-2A-03. RESERVED.

4 5-2A-04. RESERVED.

5 PART II. REPORTING.

6 5-2A-05.

7 THE DEPARTMENT SHALL ADOPT REGULATIONS FOR REPORTING:

8 (1) THE USE AND RELEASE OF PESTICIDES, INCLUDING:

9 (I) OUTDOOR AGRICULTURAL RELEASE;

10 (II) WOOD-DESTROYING INSECT CONTROL, INCLUDING
11 OUTDOOR AND SUBSURFACE BUILDING TREATMENTS;

12 (III) LAWN CARE AND LANDSCAPING SERVICES;

13 (IV) GOLF COURSE MAINTENANCE;

14 (V) CEMETERY MAINTENANCE;

15 (VI) HIGHWAY, UTILITY, AND RAILROAD RIGHTS-OF-WAY
16 MAINTENANCE;

17 (VII) FOREST PEST CONTROL; AND

18 (VIII) MOSQUITO CONTROL; AND

19 (2) THE PURCHASE AND SALE OF RESTRICTED USE PESTICIDES.

20 5-2A-06.

21 (A) A PERSON REQUIRED TO SUBMIT A REPORT UNDER THIS PART
22 SHALL SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT INDICATING:

23 (1) THE QUANTITIES OF THE PESTICIDE USED OR RELEASED IN
24 AT LEAST ANNUAL TOTALS OR AS REQUIRED BY THE DEPARTMENT;

25 (2) THE TYPES OF PESTICIDE USED OR RELEASED;

1 **(3) THE LOCATIONS WHERE PESTICIDE IS USED OR RELEASED;**

2 **(4) PESTICIDE MONTHLY OR SEASONAL USE PATTERNS;**

3 **(5) THE INTENDED PURPOSES OF THE PESTICIDE APPLICATION**
4 **OR RELEASE, INCLUDING:**

5 **(I) CROPS TO WHICH PESTICIDE IS APPLIED; AND**

6 **(II) TARGETED ORGANISMS FOR PESTICIDE USE;**

7 **(6) THE 16-DIGIT U.S. GEOLOGICAL SURVEY UNIT CODE FOR**
8 **THE WATERSHED, OR EQUIVALENT CODE ESTABLISHED BY THE DEPARTMENT,**
9 **IN WHICH PESTICIDE WAS USED OR RELEASED; AND**

10 **(7) ANY INFORMATION RELATING TO PESTICIDE USE OR RELEASE**
11 **THAT THE SECRETARY REQUIRES.**

12 **(B) RESTRICTED USE PESTICIDE SALE AND PURCHASE REPORTS**
13 **REQUIRED UNDER THIS PART SHALL BE SUBMITTED AT LEAST MONTHLY IN A**
14 **MANNER REQUIRED BY THE DEPARTMENT.**

15 **(C) PESTICIDE USE AND RELEASE REPORTS REQUIRED UNDER THIS**
16 **PART OR REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SUBTITLE SHALL**
17 **COVER THE PRECEDING CALENDAR YEAR AND BE SUBMITTED ANNUALLY TO**
18 **THE DEPARTMENT BEGINNING ON MARCH 1, 2013.**

19 **(D) (1) THE DEPARTMENT SHALL SPECIFY THE FORMAT OF REPORTS**
20 **REQUIRED UNDER THIS PART.**

21 **(2) THE DEPARTMENT SHALL ADOPT STANDARD NAMING**
22 **CONVENTIONS AND CATEGORIES FOR THE VARIOUS CHEMICAL NAMES,**
23 **PRODUCT NAMES, AND PRODUCT FORMULATIONS.**

24 **(E) A PERSON THAT WITHHOLDS INFORMATION FROM A REPORT**
25 **REQUIRED UNDER THIS SECTION BASED ON A CLAIM THAT THE INFORMATION IS**
26 **CONFIDENTIAL BUSINESS INFORMATION SHALL:**

27 **(1) NOTIFY THE DEPARTMENT THAT INFORMATION IS BEING**
28 **WITHHELD; AND**

29 **(2) PROVIDE AN EXPLANATION FOR THE CLAIM THAT THE**
30 **WITHHELD INFORMATION IS CONFIDENTIAL.**

1 **(F) THIS SECTION DOES NOT RELIEVE A PERSON FROM ANY OTHER**
2 **REPORTING REQUIREMENTS UNDER FEDERAL, STATE, OR LOCAL LAWS.**

3 **5-2A-07.**

4 **(A) THE DEPARTMENT MAY INSPECT ANY RECORDS OR REPORTS OF**
5 **PESTICIDE USE, RELEASE, SALE, AND PURCHASE BY A PERSON.**

6 **(B) ON REQUEST BY THE DEPARTMENT, A PERSON SHALL MAKE**
7 **RECORDS AVAILABLE FOR INSPECTION BY THE DEPARTMENT DURING NORMAL**
8 **BUSINESS HOURS.**

9 **(C) IF THE DEPARTMENT INTENDS TO INSPECT RECORDS AT THE**
10 **LOCATION WHERE THE RECORDS ARE MAINTAINED, THE DEPARTMENT SHALL**
11 **PROVIDE ADVANCE NOTICE OF NOT LESS THAN 1 WEEK TO THE PERSON IN**
12 **POSSESSION OF THE RECORDS.**

13 **5-2A-08.**

14 **(A) THE DEPARTMENT SHALL SERVE AS THE REPOSITORY FOR DATA**
15 **REGARDING PESTICIDE USE, RELEASE, SALE, AND PURCHASE IN THE STATE.**

16 **(B) THE DEPARTMENT MAY DELEGATE THE MANAGEMENT OF ITS DATA**
17 **REPOSITORY FUNCTIONS TO ANOTHER STATE AGENCY OR PRIVATE**
18 **CONTRACTOR.**

19 **(C) THE DEPARTMENT MAY SHARE SYSTEMS AND RESOURCES WITH**
20 **OTHER STATE DEPARTMENTS TO OPTIMIZE THE MANAGEMENT AND SHARING OF**
21 **ITS DATA REPOSITORIES.**

22 **5-2A-09.**

23 **(A) (1) THE DEPARTMENT SHALL ESTABLISH AN ONLINE**
24 **ELECTRONIC REPORTING SYSTEM FOR THE SUBMITTAL OF REPORTS REQUIRED**
25 **UNDER THIS PART.**

26 **(2) THE ONLINE ELECTRONIC REPORTING SYSTEM FOR USE AND**
27 **RELEASE SHALL INCLUDE MEANS FOR A PERSON TO IDENTIFY THE WATERSHED**
28 **OF THE USE OR RELEASE SITE AS REQUIRED UNDER § 5-2A-06(A)(6) OF THIS**
29 **PART.**

1 **(B) (1) THE DEPARTMENT MAY ADOPT REGULATIONS FOR THE**
2 **PURPOSE OF ACHIEVING RECEIPT OF 90% OF REPORTS REQUIRED UNDER THIS**
3 **PART BY ONLINE ELECTRONIC SUBMISSION BY 2013.**

4 **(2) THE DEPARTMENT MAY ADOPT REGULATIONS REQUIRING**
5 **ALL REPORTS TO BE SUBMITTED ELECTRONICALLY AFTER JANUARY 1, 2016.**

6 **5-2A-10.**

7 **(A) THE DEPARTMENT MAY ADOPT REGULATIONS REGARDING ACCESS**
8 **BY THE PUBLIC TO INFORMATION SUBMITTED TO OR MAINTAINED BY THE**
9 **DEPARTMENT REGARDING PESTICIDES USED, RELEASED, SOLD, AND**
10 **PURCHASED IN THE STATE.**

11 **(B) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO:**

12 **(I) ENSURE THAT PUBLICLY DISTRIBUTED DATA WILL NOT**
13 **RESULT IN THE ASSOCIATION OF ANY DATA WITH A PERSON; AND**

14 **(II) PROTECT THE IDENTITY OF A PERSON REQUIRED TO**
15 **SUBMIT A REPORT UNDER THIS PART.**

16 **(2) ACCESS TO INDIVIDUAL REPORTS SHALL BE LIMITED TO:**

17 **(I) GOVERNMENT AGENCIES; AND**

18 **(II) RESEARCH ORGANIZATIONS THAT HAVE A REGULATORY**
19 **OR ACADEMIC INTEREST IN THE USE, RELEASE, SALE, OR PURCHASE OF**
20 **PESTICIDES.**

21 **(3) ACCESS TO INDIVIDUAL REPORTS MAY NOT BE PROVIDED TO**
22 **AN ENTITY LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION UNLESS THE**
23 **ENTITY:**

24 **(I) DEMONSTRATES IT HAS ADEQUATE SECURITY**
25 **MEASURES TO PREVENT THE RELEASE OF INFORMATION THAT IS**
26 **ATTRIBUTABLE TO A PERSON SUBMITTING A REPORT; AND**

27 **(II) SIGNS AN AGREEMENT TO KEEP CONFIDENTIAL THE**
28 **IDENTITY OF A PERSON THAT HAS SUBMITTED A REPORT.**

29 **(C) FOR MATTERS RELATING TO THE DEPARTMENT'S PROTECTION OF**
30 **THE IDENTITY OF A PERSON REQUIRED TO SUBMIT A REPORT, A PERSON SHALL**
31 **BE ENTITLED TO:**

1 (1) **A REVIEW BY AN ADMINISTRATIVE LAW JUDGE; AND**

2 (2) **AN APPEAL TO A COURT OF COMPETENT JURISDICTION, AS**
3 **AUTHORIZED BY STATE LAW.**

4 **5-2A-11. RESERVED.**

5 **5-2A-12. RESERVED.**

6 **PART III. PESTICIDE USE AND RELEASE FUND.**

7 **5-2A-13.**

8 (A) **THERE IS A PESTICIDE USE AND RELEASE FUND IN THE**
9 **DEPARTMENT.**

10 (B) **THE SECRETARY SHALL ADMINISTER THE FUND.**

11 (C) (1) **EXCEPT AS PROVIDED BY SUBPARAGRAPH (II) OF THIS**
12 **PARAGRAPH, THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
13 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

14 (II) **IF THE FUND HAS SUFFICIENT MONEY TO COVER ALL**
15 **COSTS OF THE PROGRAM ESTABLISHED UNDER THIS SUBTITLE FOR THE**
16 **UPCOMING FISCAL YEAR, THE DEPARTMENT MAY TRANSFER EXCESS MONEY TO**
17 **AN ACCOUNT IN THE DEPARTMENT FOR THE PURPOSE OF ADMINISTERING THE**
18 **OFFICE OF THE STATE CHEMIST.**

19 (2) **THE STATE TREASURER SHALL HOLD THE FUND**
20 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

21 (D) **THE FUND CONSISTS OF:**

22 (1) **REVENUE DISTRIBUTED TO THE FUND UNDER THIS SUBTITLE;**

23 (2) **MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**
24 **AND**

25 (3) **ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
26 **FOR THE BENEFIT OF THE FUND.**

27 (E) **THE FUND SHALL BE USED FOR:**

1 **(1) THE COLLECTION, MANAGEMENT, AND ANALYSIS OF DATA**
2 **RECEIVED BY THE DEPARTMENT FROM PERSONS REQUIRED TO REPORT IN**
3 **ACCORDANCE WITH THIS SUBTITLE OR REGULATIONS ADOPTED IN**
4 **ACCORDANCE WITH THIS SUBTITLE;**

5 **(2) ENFORCEMENT OF THE PROVISIONS OF THIS SUBTITLE; AND**

6 **(3) IN ACCORDANCE WITH SUBSECTION (C)(1)(II) OF THIS**
7 **SECTION, THE ADMINISTRATION OF THE OFFICE OF THE STATE CHEMIST IN**
8 **THE DEPARTMENT.**

9 **(F) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
10 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

11 **(2) ANY INTEREST OR OTHER INVESTMENT EARNINGS OF THE**
12 **FUND SHALL BE CREDITED AND PAID INTO THE FUND.**

13 **(G) (1) THE FUND SHALL HAVE AN ANNUAL REVENUE TARGET.**

14 **(2) THE ANNUAL REVENUE TARGET SHALL BE SET AND ADJUSTED**
15 **ANNUALLY BY THE DEPARTMENT IN RESPONSE TO DOCUMENTED PROGRAM**
16 **NEEDS OR CHANGES IN THE COST-OF-LIVING INDEX USED BY THE STATE.**

17 **(3) THE REVENUE TARGET SHALL BE SET AT A LEVEL SUFFICIENT**
18 **TO COVER ALL COSTS OF THE PROGRAM ESTABLISHED UNDER THIS SUBTITLE.**

19 **5-2A-14.**

20 **ANY FEE OR PENALTY COLLECTED IN ACCORDANCE WITH THIS SUBTITLE**
21 **SHALL BE DEPOSITED INTO THE FUND.**

22 **5-2A-15.**

23 **(A) THE DEPARTMENT SHALL PLACE A SURCHARGE ON REGISTRATION**
24 **FEEES RELATED TO PESTICIDES IN AN AMOUNT SUFFICIENT TO GENERATE**
25 **FUNDS TO MEET THE ANNUAL REVENUE TARGET ESTABLISHED UNDER §**
26 **5-2A-13(G) OF THIS PART.**

27 **(B) THE SURCHARGE PORTION OF REGISTRATION FEES UNDER**
28 **SUBSECTION (A) OF THIS SECTION SHALL BE USED FOR THE PURPOSE OF**
29 **SUPPORTING THE DEVELOPMENT AND OPERATION OF, AND COMPLIANCE WITH,**
30 **THE REPORTING PROGRAMS REQUIRED UNDER THIS SUBTITLE.**

1 **(C) THE SURCHARGE ON THE PESTICIDE REGISTRATION FEES SHALL BE**
2 **DEPOSITED INTO THE FUND.**

3 **5-2A-16. RESERVED.**

4 **5-2A-17. RESERVED.**

5 **PART IV. ENFORCEMENT AND PENALTIES.**

6 **5-2A-18.**

7 **A PERSON MAY NOT KNOWINGLY OR RECKLESSLY SUBMIT FALSE**
8 **INFORMATION IN RESPONSE TO A REPORTING REQUIREMENT UNDER THIS**
9 **SUBTITLE.**

10 **5-2A-19.**

11 **(A) A PERSON SHALL BE SUBJECT TO A PENALTY IN AN AMOUNT NOT TO**
12 **EXCEED \$100 FOR AN INITIAL NOTICE OF NONCOMPLIANCE WITH THIS**
13 **SUBTITLE.**

14 **(B) FAILURE TO SUBMIT A REPORT OR PAY THE FEES AS REQUIRED**
15 **UNDER THIS SUBTITLE ON SECOND AND SUBSEQUENT NOTICES DELIVERED AT**
16 **LEAST 30 DAYS FROM THE INITIAL OR PREVIOUS NOTICE SHALL BE SUBJECT TO**
17 **A PENALTY IN AN AMOUNT NOT TO EXCEED \$10,000 FOR EACH NOTICE.**

18 **(C) KNOWINGLY SUBMITTING FALSE INFORMATION TO THE**
19 **DEPARTMENT IN A REPORT REQUIRED UNDER THIS SUBTITLE SHALL BE**
20 **SUBJECT TO A PENALTY IN AN AMOUNT NOT TO EXCEED \$20,000.**

21 **(D) A PERSON THAT VIOLATES AN AGREEMENT OF CONFIDENTIALITY**
22 **UNDER § 5-2A-10 OF THIS SUBTITLE SHALL BE SUBJECT TO A PENALTY IN AN**
23 **AMOUNT NOT TO EXCEED \$10,000.**

24 **5-2A-20.**

25 **(A) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE PROVISIONS AND**
26 **PROCEDURES OF TITLE 12 OF THIS ARTICLE SHALL BE USED AND APPLIED TO**
27 **ANY PERSON THAT KNOWINGLY OR RECKLESSLY VIOLATES:**

28 **(1) THIS SUBTITLE; AND**

29 **(2) ANY REGULATIONS ADOPTED UNDER THIS SUBTITLE.**

1 **(B) A PENALTY IMPOSED FOR A VIOLATION OF THIS SUBTITLE IS**
2 **PAYABLE TO THE FUND AND MAY BE COLLECTED IN ANY MANNER PROVIDED BY**
3 **LAW FOR THE COLLECTION OF DEBTS.**

4 **(C) THE DEPARTMENT AND OTHER AGENCIES ASSIGNED TO SUPPORT**
5 **THE DEPARTMENT SHALL ENFORCE THIS SUBTITLE.**

6 **(D) UNLESS A PERSON SERVED WITH NOTICE OF A PENALTY UNDER**
7 **THIS PART MAKES A WRITTEN REQUEST FOR A HEARING WITHIN 30 DAYS OF**
8 **RECEIPT OF THE NOTICE, THE PENALTY IS CONSIDERED FINAL.**

9 **(E) IF A PERSON REQUIRED TO PAY A FINAL PENALTY IMPOSED UNDER**
10 **THIS PART FAILS TO PAY WITHIN 30 DAYS AFTER THE PENALTY BECOMES FINAL,**
11 **A LIEN SHALL BE RECORDED AGAINST ANY REAL PROPERTY OWNED BY THE**
12 **PERSON IN THE AMOUNT OF THE PENALTY, TOGETHER WITH INTEREST AND ANY**
13 **COSTS THAT MAY ACCRUE.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That:

15 (a) The Department of Agriculture shall establish a tracking system to
16 facilitate the reporting, recording, and investigating of suspicious pesticide purchases.

17 (b) The tracking system shall include:

18 (1) A toll free telephone line for citizens to anonymously report
19 suspicious pesticide purchases; and

20 (2) A database, maintained by the Department, to record all citizen
21 reports.

22 (c) Once a report has been entered into the database, the Department shall:

23 (1) Review the report; and

24 (2) Forward to the appropriate federal or State law enforcement
25 agency any report the Department determines to contain credible evidence of
26 potentially dangerous or illegal activity.

27 (d) On or before October 1, 2012, the Department shall adopt regulations to
28 carry out these provisions.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2011.